

Message Text

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PAGE 01 STATE 171364

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ORIGIN L-03

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ARA/LA/APU:MR. FELDER (SUBSTANCE)

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FM SECSTATE WASHDC

TO AMEMBASSY SAN JOSE NIACT IMMEDIATE

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E.O. 11652: N/A

TAGS: OCON, OAS

SUBJECT: SAN JOSE CONFERENCE - RIO TREATY AREA OF
COVERAGE

REF: SAN JOSE 3004 (USDEL 017)

1. DELEGATION CORRECT IN CONCLUDING THAT ARGENTINIAN
PROPOSAL DESCRIBED PARA TWO REFTEL UNACCEPTABLE. EVEN
THOUGH FIGURE DESCRIBED WOULD NOT INCLUDE ALL OF AREA
FALLING WITHIN ARGENTINIAN CLAIMED 200 MILE ZONE, IT
WOULD BE A GEOMETRICALLY SIMPLIFIED APPROXIMATION OF
ARGENTINE CLAIM. ACCEPTANCE WOULD BE PREJUDICIAL TO
U.S. NON-RECOGNITION OF TERRITORIAL CLAIM, AND POTENTIALLY
PREJUDICIAL ON ECONOMIC ZONE QUESTIONS.

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PAGE 02 STATE 171364

2. DEPARTMENT COULD ACCEPT FIRST ALTERNATIVE PROPOSED BY DEL IN PARA THREE REFTEL (THAT IS, MOVING ENTIRE LINE TO TWENTY DEGREES WEST FROM NORTHERN POINT OF ORIGIN ALL THE WAY TO THE SOUTH POLE.) THIS LINE WOULD ENCOMPASS THE AREA DESIRED BY ARGENTINA AND WOULD BE SUFFICIENTLY ARBITRARY TO AVOID PREJUDICE TO U.S. POSITIONS ON TERRITORIAL CLAIMS AND ECONOMIC ZONE ISSUES.

3. HOWEVER, SECOND ALTERNATIVE DESCRIBED PARA THREE REFTEL WOULD NOT BE ACCEPTABLE TO DEPARTMENT. MOVING NORTHERN PORTION OF EASTWARD BOUNDARY, WHILE LEAVING THE SECTOR LINE IN ANTARCTIC REGION UNAFFECTED WOULD ADD TO IMPLICATION THAT SECTOR LINE HAS SOME SPECIAL LEGAL STATUS. THIS WOULD BE INCONSISTENT WITH U.S. POSITION ON NON-RECOGNITION OF CLAIMS IN ANTARCTIC.

4. FYI - IN SEEKING TO DEVELOP COMPROMISE EASTERN BOUNDARY, DEL SHOULD BEAR IN MIND THAT ANY LINES WHICH ARE ESSENTIALLY ARBITRARY WOULD PROBABLY BE ACCEPTABLE TO DEPARTMENT. IT IS SELECTIVE DEVIATIONS FROM PRESENT BOUNDARY LINES WHICH APPEAR TO REFLECT UNSETTLED JURIDICAL POINTS (SUCH AS TERRITORIAL CLAIMS IN ANTARCTIC OR 200 MILE ECONOMIC ZONE) WHICH POSE PROBLEMS. END FYI

5. IF DEL UNABLE TO REACH COMPROMISE SOLUTION AND ARGENTINE PROPOSAL DESCRIBED PARA TWO REFTEL COMES TO A VOTE, U.S. SHOULD VOTE NO. NEGATIVE VOTE WOULD LIMIT POTENTIAL PREJUDICE TO JURIDICAL INTERESTS WHICH MIGHT RESULT FROM ABSTENTION. KISSINGER

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